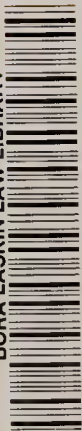


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**ALTERNATIVE APPROACHES  
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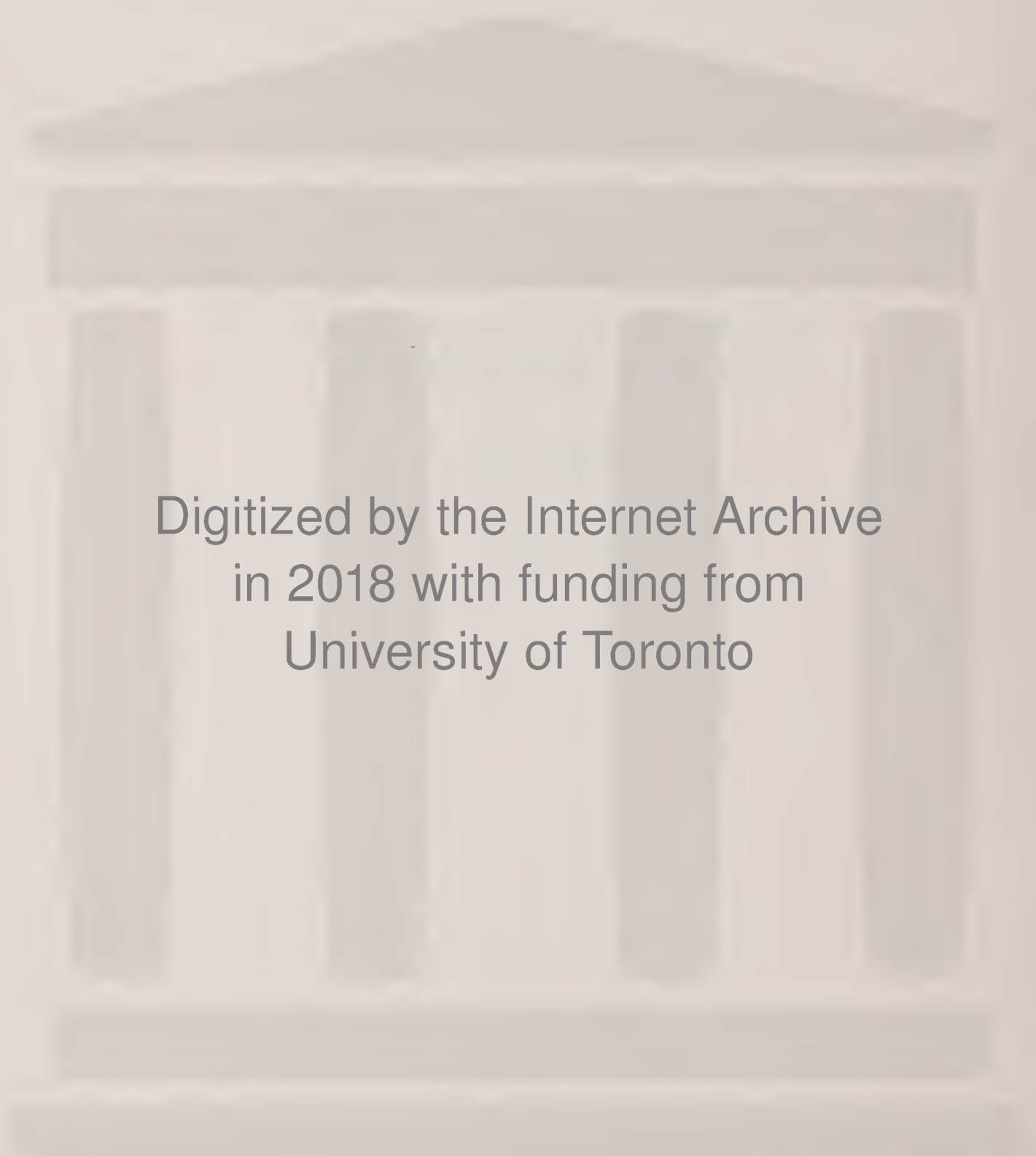
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FACULTY OF LAW  
UNIVERSITY OF TORONTO

**ALTERNATIVE APPROACHES  
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Alternative Approaches to Legal Scholarship—2001/02  
Fridays, 9:45-11:50--MCR  
Prof. Catherine Valcke

## SYLLABUS

### I. Format

In the fall term, the course will proceed by way of presentations by faculty members, small group discussions, and question periods. The faculty members invited to present their work are representative of different “approaches” to legal scholarship. Each class will begin with a 30-40 mins. presentation. Students will then break into small groups of 5-6. Each group will submit a list of questions for the presenter. The last hour of class will be devoted to answering the questions raised.

In the spring term, students will present their thesis proposals, which will be circulated one week in advance. Each student will make a short presentation, and a discussion will ensue. Supervisors and interested faculty members will be invited to attend particular sessions. The time, place and start date of these classes will be announced at a later date.

### II. Materials

All assigned readings can be found in the casebook for the course on sale at the bookstore. A few copies of this casebook will be on reserve at the library.

### II. Evaluation

Evaluation for this course will be on the basis of four written assignments (5-6 pages), and on classroom participation. Participation will count only if your performance in writing does not match your oral performance in class. In other words, participation can serve to raise your overall grade, but not to lower it. Each assignment should be based on the readings assigned for any given week, and handed at the beginning of the class for that week. **Although the class of Nov. 2 will be rescheduled to a later date, assignments written for that week will similarly be due by 9:45 am on Nov. 2.** You can pick any four weeks in the term for which you wish to hand in an assignment. You cannot write more than one assignment for any given week. If you write more than four assignments in total, only the best four will count towards your grade for the course.

There will be no evaluation of the second term's work. Similarly, your participation mark will reflect your participation in the fall term only.

\* \* \*

I will not hold office hours, but please feel free to make an appointment at any time, (416) 978-4619, [c.valcke@utoronto.ca](mailto:c.valcke@utoronto.ca), or just drop by in Flavelle 324.

#### **IV. Schedule for the First Term**

- Sept. 7: Catherine Valcke, Introduction
- Sept. 14: Arthur Ripstein, "John Stuart Mill Utilitarianism" (pp. 1-10)
- Sept. 21: David Dyzenhaus, "Positivism and the Separation of Law and Morals" (pp.11-21)
- Sept. 28: Michael Trebilcock, "An Introduction to Law and Economics" (pp. 22-41)  
"The Value and Limits of Economic Analysis of Law (pp.42-67)
- Oct. 5: Bruce Chapman, "Rational Aggregation" (pp. 68-99)
- Oct. 12: Ernest Weinrib, "The Jurisprudence of Legal Formalism" (pp.100-127)
- Oct. 19: Alan Brudner, "Agency and Welfare in the Penal Law" (pp.128-153)
- Oct. 26: Stephen Waddams, "Dimensions of Private Law: The Organization of Anglo-American Legal Concepts" (pp.154-182)
- [Nov. 2]: David Schneiderman, "The Presence of the Past: Legal History and Economic Globalization"
- Nov. 9: No class–Reading Week
- Nov. 16: Patrick Macklem, "Method" (pp.183-218)
- Nov. 23: Kerry Rittich, "Critical Race Theory: The Key Writings that Formed the Movement" (pp. 219-230)
- Nov. 30: Kent Roach, "What's New and Old About the Legal Process" (pp. 231-246)
- Dec. 7: Jutta Brunnée, "New Ways to Make International Environmental Law" (pp.247-259)